

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JUAN CARLOS PEREZ GIRON, )

8:09CV55

Petitioner, )

v. )

**MEMORANDUM  
AND ORDER**

IMMIGRATION AND CUSTOMS )  
ENFORCEMENT, )

Respondent. )

The court must conduct an initial review of the Petition for Writ of Habeas Corpus (filing no. [1](#)) to determine whether the claims made by Petitioner are, when liberally construed, potentially cognizable in federal court.

Petitioner did not use a Form AO 241, Petition for Writ of Habeas Corpus by a Person in State Custody, but rather submitted a one-page Letter/Petition that does not clearly indicate the grounds alleged. The Petition must “substantially follow either the form appended to [the] rules, or a form prescribed by a local district-court rule.” See Rule 2 of the [Rules Governing Section 2254 Cases in the United States District Courts](#). Petitioner’s Petition does not substantially follow any form and does not clearly indicate the grounds alleged. Thus, the pending Petition for Writ of Habeas Corpus (filing no. [1](#)) is deemed insufficient and the court will not act upon it. However, on its own motion, the court will grant Petitioner 30 days to amend his Petition using Form AO 241. Failure to adequately comply with this order may result in dismissal of the Petition without further notice.

IT IS THEREFORE ORDERED that:

1. The pending Petition for Writ of Habeas Corpus (filing no. [1](#)) is deemed insufficient and the court will not act upon it.

2. On or before April 20, 2009, Petitioner must submit a signed Amended Petition for Writ of Habeas Corpus. In the Amended Petition, Petitioner must specify the grounds for relief, the facts supporting each ground, and the relief requested. Failure to comply with this order may result in dismissal of the Petition without further notice.

3. The Clerk of the court is directed to send Petitioner a Form AO 241 packet, Petition for Relief From a Conviction or Sentence By a Person in State Custody.

4. The Clerk of the court is directed to set a pro se case management deadline in this case with the following text: April 20, 2009: deadline for Petitioner to submit Amended Petition.

March 9, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge